

### REMARKS

#### Amendments to the Specification

Applicants have amended the specification to include the chemical name for PR 39 and to include SEQ ID NO: 1 as required by 37 C.F.R. § 1.821(d).

Applicants have also amended the specification to correct inadvertent typographical errors. The word "and" preceding Metronidazole was removed. The compound HMR3647 was deleted as the identical compound HMR 3647 was duplicated in the paragraph. The words "eveninomycin" and "glycylcylcline" were corrected to read "everninomicin" and "glycylcycline." Similarly, the word "oxazolidinone" was corrected to read "oxazolidinones." No new matter has been added.

#### Amendments to the Claims

Claims 1-31 were pending in the present application. Applicants have canceled claims 1 and 2 without prejudice as drawn to a non-elected invention. Claims 3, 4, 6, 7, 9, 11, 12, 16, 22, and 27 were amended to fix typographical errors or for consistency. Support for the amendments to claims 3, 4, 6, 7, 9, 11, 12, 16, 22, and 27 can be found in the original claims. In response to the restriction requirement set forth in the Office Action, Applicants have amended claims 5, 8, 10, 13-15, 17, and 29-31 to exclude non-elected subject matter, *i.e.*, compounds wherein A' is H, NH<sub>2</sub>, NHR<sup>A'</sup>, NR<sup>A'</sup>R<sup>B'</sup>, heteroaryl, cycloalkyl, heterocyclyl, and aryl. Support for the amendments to claims 5, 8, 10, 13-15, 17, and 29-31 can be found in the original claims. Claims 5, 8, 10, 13, 14, and 29 were also amended to correct Markush style claim language. Claims 5, 17 and 31 have been amended to delete reference to canceled claims 1 and 2. Claims 8, 10, 13, and 15 have been amended to exclude non-elected embodiments of group R<sup>1</sup> and to delete reference to canceled claims 1 and 2. Claims 14, 29 and 30 have been amended to exclude non-elected embodiments of group R<sup>1</sup>. Claim 31 was amended to delete reference to canceled claims 1 and 2.

Claim 18 has been amended to more clearly define the claim. Support for this amendment can be found in original claim 18 and on page 77 lines 27-31 though page 78 lines 1-10.

Claim 25 has been amended correct the dependency and to make the claim clearer. Applicants have: 1) amended the claim to properly depend from claim 24 not claim 22; 2) deleted the phrases "related drugs," "its combinations," and "including sulfonamides" "including nitrofurans, methenamine mandelate and methenamine hippurate" from amended claim 25; 3) deleted recitation of "CL331002," "A-99058.1," "A-165600," "A-179796," "HGP-31," "Mersacidin," "Kosan," "AM 1732," "OPC 20000," "OPC 2045," "Venecprim," "Cyclothialidine," "SEP-132613," "SB-275833," and "SUN A0026"; and 4) recited the corresponding chemical names for various trademark names. In addition, Applicants have amended claim 25 to recite SEQ ID NO:1. Applicants have also amended claim 25 to correct certain typographical errors. Applicants have deleted the word "and" preceeding Metronidazole. The first occurrence of "HMR3647" was deleted. The words "eveninomycin," "glycylcylcline" and "oxazolidinone;" were corrected to read "everninomicin," "glycylcycline" and "oxazolidinones."

Claim 26 was amended to properly depend from claim 25, not claim 22.

Accordingly, upon entry of the instant amendments, claims 3-31 will be pending in this application. No new matter has been added.

#### The Restriction Requirement

The Office Action required restriction of the claims of this application under 35 U.S.C. § 121 into one of the following Groups:

- Group 1: Claims 1, 2, 5-12, and 17, drawn to compounds limited to those genera defined by claims 1 and 2.
- Group 2: Claims 3-12, and 17, drawn to compounds limited to those genera defined by claims 3 and 4.
- Group 3: Claims 18-27 and 28, drawn to a method of treating a bacterial infection by administering a compound of Group 1.

- Group 4: Claims 18-27 and 28, drawn to a method of treating a bacterial infection by administering a compound of Group 2.
- Group 5: Claims 29-30 drawn to compounds.
- Group 6: Claim 31, drawn to a method of synthesizing compounds of Group 1.
- Group 7: Claim 31, drawn to a method of synthesizing compounds of Group 2.

Applicants elect the claims of Group 2 (claims 3-12 and 17) for examination on the merits. As stated above, Applicants have amended claim 29 and 30 to exclude non-elected subject matter. Claim 29 has also been amended to depend from claim 3. Applicants respectfully request that claim 29, as amended, be included in Group 2. Accordingly, applicants request that Group 2 now include claims 29 and 30.

As acknowledged in the Office Action, Applicants may request rejoinder of the corresponding methods of use and methods of synthesizing claims with the elected group if and when any of the elected claims are found allowable. Accordingly, applicants have not canceled claims 18-28 and claim 31.

Because Group 2 has been elected, Applicants request rejoinder of claims 13-16. Applicants elect the species compound 85 as defined throughout the specification and in claim 13.

Respectfully submitted,

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Customer No.: 34103  
Cubist Pharmaceuticals, Inc.  
65 Hayden Avenue  
Lexington, Massachusetts 02421  
Tel.: (781) 860-8660  
Fax: (781) 860-1407

*Timothy J. Douros*

Timothy J. Douros  
Registration No. 41,716  
Attorney for Assignee  
Jill M. Mandelblatt  
Registration No. 37,878  
Patent Agent for Assignee